

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CALVIN WESLEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action: 6:23cv00012
)	
CITY OF LYNCHBURG, <i>et al.</i>)	
)	
Defendants.)	

DEFENDANTS' MOTION TO EXCLUDE EXPERT

Defendants City of Lynchburg, Virginia, and Officer Seth Reed, by counsel, move to exclude plaintiff's designated expert and in support thereof state as follows:

1. The Court's pretrial order filed April 24, 2023 requires plaintiff to designate experts within 75 days of the Order—July 10, 2023 at the latest.
2. The parties submitted a Rule 26(f) plan (Document 14) to the court on May 16, 2023 which confirmed that the plaintiff would designate experts by July 10, 2023.
3. On December 12, 2023, plaintiff's counsel emailed a document entitled "Plaintiff's Rule 26 Expert Disclosures" to counsel for defendants. The document identified Mark S. Dunston as an expert in the field of police practices and procedures.
4. The plaintiff's expert designation was submitted over five months after the deadline in the pretrial order and Rule 26(f) report.

WHEREFORE, Defendants respectfully move the Court to enter an order excluding testimony from experts identified by the plaintiff after the deadline in the Court's pretrial order.

CITY OF LYNCHBURG and SETH REED,

By /s/ John R. Fitzgerald
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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of December, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system.

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